

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ANTHONY NOVAK,)	CASE NO. 1:17-cv-2148
)	
Plaintiff,)	
)	JUDGE DAN AARON POLSTER
v.)	
)	
THE CITY OF PARMA, <i>et al.</i>,)	<u>MINUTES OF STATUS CONFERENCE</u>
)	
Defendants.)	

On January 15, 2020, the Court held a status conference attended by Plaintiff Anthony Novak; Plaintiff's counsel Subodh Chandra, Ashlie Case Sletvold, and Brian D. Bardwell; Defendant Thomas Connor; Defendant Kevin Riley, Defendant the City of Parma's representatives Tim Dobeck and Jim Johnson; and Defendants' counsel Steven D. Strang.

The Court discussed the two pending motions in this case. In the first motion, Plaintiff asked the Court to "enjoin Defendants from making any effort to prosecute Mr. Novak for any further parodies." Doc #: 38 at 16. The Court explained that the Sixth Circuit did not find Plaintiff's speech to be a protected parody, but rather determined that it is a question for the jury. *Novak v. City of Parma, et al.*, 932 F.3d 421, 428 (6th Cir. 2019). Furthermore, Plaintiff failed to identify any statement or document supporting that Defendants would arrest or prosecute Plaintiff were he to post another parody in the future. To the contrary, Defendants assert that they do not plan to do anything to the Plaintiff in the future. Doc #: 39 at 5. Plaintiff's subjective fear of future retaliation is an insufficient basis to grant a preliminary injunction or temporary

restraining order. Accordingly, the Court **DENIED** Plaintiff's Motion for Preliminary Injunction and Temporary Restraining Order, **Doc #: 38**.

Regarding Defendants' Motion to Compel Deposition of Plaintiff Anthony Novak, **Doc #: 40**, the Court directed the parties to confer immediately and to pick a date within January on which to conduct the deposition. The parties agreed to conduct the deposition of Anthony Novak on January 28, 2020 at 10:00AM. Accordingly, Defendants' Motion to Compel, **Doc #: 40**, is **DENIED AS MOOT**.

The Court then discussed how the parties would like to proceed. Defendants explained that they need to conduct more discovery before determining whether to engage in further settlement negotiations. Accordingly, the parties are to proceed with discovery, determine whether experts will be required, and decide whether they would like the Court to mediate the case. The Court scheduled a follow-up teleconference for April 1, 2020 at 9:00AM.

IT IS SO ORDERED.

/s/Dan Aaron Polster January 15, 2020
DAN AARON POLSTER
UNITED STATES DISTRICT COURT